

## REMARKS

The present application includes pending claims 1-27, all of which have been rejected. By this Amendment, claims 2-3, 5-6, 8-11, 13-14, 16-17, 19-24 and 26-27 have been amended. New claims 28-37 have been added.

The drawings were objected to because reference numeral 126 was viewed as not being shown in the Figures. The Applicants respectfully submit, however, that reference numeral 126 is shown in Figure 1B (*see* lower left quadrant).

The drawings were also objected to because of inconsistencies with respect to certain reference numerals and the Figures. In response to the objections, the Applicants have amended certain paragraphs from the specification, as shown above, and Figure 1B. Thus, the Applicants respectfully request reconsideration of these objections.

The drawings were also objected to because “reference character ‘C’ of Figure 5 is labeling an incorrect location as mentioned in the specification. According to paragraph [65] of the specification, reference character ‘C’ should be labeling where ‘the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503’.” *See* November 8, 2007 Office Action at pages 3-4. The Applicants have attached a replacement drawing sheet that indicates that step C is proximate the first party 501.

Claims 1-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2002/0112239 (“Goldman”). Without conceding that Goldman qualifies as prior art under 35 U.S.C. 102(e), the Applicants respectfully traverse these rejections for at least the following reasons:

**I. Goldman Does Not Anticipate Claims 1-8**

Independent claim 1 recites, in part, the following:

determining, at the first location, whether the associated set of pre-defined characteristics [associated with the requested media] matches the at least one parameter [related to monitoring media consumption activity of the user at the first location];

sending notification of the media request to a second location, via a communication network, if the determining results in a match; and

refraining from sending a notification of the media request to the second location, via the communication network, if the determining does not result in a match.

Goldman “relates to displaying information to viewers regarding the number of other viewers who are watching specified television programs.” *See* Goldman at [0003]. In particular, Goldman “relates to using a back channel to gather statistics relating to real time viewing behavior and using the gathered information to modify electronic program guides (EPGs) so as to inform viewers of the number of other viewers who are watching the television programs.” *See id.* In short, television viewing habits are assessed, and collective viewing stats are shown on EPGs. *See id.* at [0009] (“The present invention relates to systems and method for utilizing a back channel as a feedback system to reveal what other television viewers are watching at a given moment.”).

Goldman discloses that home entertainment systems track whether a broadcast is viewed or recorded.

Home entertainment system 90 tracks each time broadcast 88 is output, recorded or otherwise utilized at home entertainment system 90, by generating viewer behavior information to indicate

that the broadcast 88 was output, recorded or otherwise utilized at home entertainment system 90.

*Id.* at [0031]. EPGs are then updated and modified based on viewer behavior information. *See id.*, *e.g.*, at [0044] (“once the viewing behavior information is received at the clearinghouse system 100, a processor 102 processes the information and/or makes the information available to modify the display of the EPGs of viewers in the system.”).

Thus, Goldman discloses a system in which viewer television habits are monitored, and those habits are compiled to update electronic program guides. The Applicants respectfully submit, however, that Goldman does not describe, teach or suggest “determining, at the first location, whether the associated set of pre-defined characteristics [associated with the requested media] matches the at least one parameter [related to monitoring media consumption activity of the user at the first location]; **sending notification of the media request** to a second location, via a communication network, if the determining results in a match; and **refraining from sending a notification of the media request** to the second location, via the communication network, if the determining does not result in a match,” as recited in claim 1. Thus, for at least these reasons, the Applicants respectfully submit that Goldman does not anticipate claims 1-8.

## **II. Goldman Does Not Anticipate Claims 9-18**

Claim 9 recites, in part, “receiving, at the second location via the communication network, **notification of a media request** by the user, at the first location, the requested media having an associated set of pre-defined characteristics matching the at least one parameter.” For at least the reasons discussed above, the Applicants respectfully submit that Goldman does not anticipate claims 9-18.

### **III. Goldman Does Not Anticipate Claims 19-27**

Claim 19 recites, in part, “a storage for storing media, at the first location, the storage having **an associated network address**.” While Goldman discloses storage device 96, for example, Goldman does not describe, teach or suggest storage having an associated network address.” Thus, for at least this reason, Goldman does not anticipate claims 19-27.

Claim 19 also recites, in part, “server software that receives, via a communication network, data comprising **the associated network address**, a user identifier, and information related to the media selected for consumption, and responds by storing at least a portion of the received data.” The Applicants respectfully submit that Goldman also does not describe, teach or suggest this limitation. Thus, for at least this additional reason, Goldman does not anticipate claims 19-27.

### **IV. New Claims 28-37**

New claims 28-37 should be in condition for allowance for at least the reasons discussed above. The fee for these new claims is calculated as follows:

$$10 \text{ new claims} \times \$50/\text{claim} = \$500$$

$$1 \text{ new independent claim} \times \$210/\text{claim} = \$210$$

$$\textbf{TOTAL} = \textbf{\$710}$$

### **VI. Conclusion**

In general, the Office Action makes various statements regarding claims 1-27 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to

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challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, including the \$710 fee for the new claims, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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